

In re Patent Application of:

KRAUS et al.

Serial No. **10/032,435**

Filed: **DECEMBER 31, 2001**

In the Drawings:

Attached is a request for a proposed drawing modification. The Applicant has attached a modified drawing indicating the proposed modification, as well as a replacement drawing sheet 3/3 having the modification made.

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REMARKS

The Examiner is thanked for the thorough examination of the present application. This application was originally filed on December 31, 2001. A non-final Office Action was mailed on November 25, 2002. A response to the Office Action was due on February 25, 2003. An appropriate response was not filed and, accordingly, this application became unintentionally abandoned. The Applicants submit herewith a Petition to Revive An Application Unintentionally Abandoned pursuant to 37 C.F.R. 1.137(b).

The Applicants have amended the drawings and relabeled the pivot post as patent reference number 33, as helpfully pointed out by the Examiner. The Applicants have also amended paragraph 19 of the specification to further clarify operation of the third embodiment of the invention. The Applicants have further amended the specification to correct some minor informalities.

As will be described in greater detail below, the claims have been amended to define over the prior art cited by the Examiner. The Applicants have also added six new claims. The amendments to the claims and the new claims are fully supported by the specification and do not raise any new subject matter.

For the Examiner's convenience, the Applicants have attached herewith at the end of this document a clean copy of the claims as amended.

I. The Invention

The invention, as recited, for example, in independent method Claim 1, is directed to a method for locating a center of a circle. The method comprises the step

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of establishing a first point at an edge of the circle by aligning a pivot post of a base member with a lower edge of the circle. The method also includes establishing second and third points at the edge of the circle. The second and third points are established by longitudinally extending an extendable member that engages the base member so that a pair of opposing members move responsive to movement of the extendable member. The pair of opposing members extend outwardly to a position where circle edge locators positioned at respective ends of the opposing members are aligned with respective second and third edges of the circle. The method also includes maintaining a spatial relationship between the first, second, and third points so that the center of the circle is identified by a circle center indicator positioned at an end of the extendable member.

The invention, as recited, for example, in independent Claim 4, is directed to an apparatus for locating a center of a circle. The apparatus includes a first component comprising a portion to be aligned with an edge of the circle to thereby define a first point. The apparatus also includes a second component that engages the first component. The second component is defined as an extendable member having a pair of opposing flexible portions connected thereto. Each flexible portion has a circle edge locator defined by a passageway formed through an end portion thereof. The extendable member also includes a circle center indicator defined by a passageway formed through an end of the extendable member. The circle center indicator is positioned at the center of the circle when the circle edge locators and the portion of the first component are aligned with the respective edges of the circle.

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**II. The Claims, as amended, are patentable over U.S. Patent
No. 346,048 to Humphrey**

The Examiner cited U.S. Patent No. 346,048 to Humphrey to reject the claims under 35 U.S.C. §102(b). The Humphrey patent discloses a template instrument for finding a center within a circle. The instrument includes three arms that are moveable between opened and closed positions. More particularly, the arms are curved and pivotally connected to a support plate and engage a centrally disposed wheel having gear teeth. Movement of one arm results in movement of all arms. The ends of the arms include points or pins formed therethrough. Upon aligning the points or pins with the edge of a circle, a center stud indicates the center of a circle.

Independent Claims 1 and 4 as amended, define over the Humphrey '048 patent. More specifically, the Humphrey '048 patent fails to disclose establishing a first point by aligning a pivot post with a lower edge of a circle and establishing second and third points at the edge of the circle by longitudinally extending an extendable member, as recited, for example, in independent Claim 1. The Humphrey '048 patent also fails to disclose an extendable member having a pair of opposing flexible portions connected thereto that engages a first component, as recited, for example, in independent Claim 1. Further, the Humphrey '048 patent fails to disclose opposing flexible members that are connected to an extendable member and laterally extend outwardly therefrom.

Accordingly, the Applicants respectfully submit that amended independent Claims 1 and 4 define over the Humphrey '048 patent. The dependent claims, which recite yet further distinguishing features, are also patentable, and require no further discussion herein.

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CONCLUSION

In view of the arguments provided herein, as well as the amendments to the claims and specification, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

CLEAN COPY OF THE CLAIMS

In the Claims:

1. A method for locating a center of a circle, the method comprising the steps of:

establishing a first point at an edge of the circle, by aligning a pivot post of a base member with a lower edge of the circle;

establishing second and third points at the edge of the circle by longitudinally extending an extendable member that engages the base member so that a pair of opposing members move responsive to movement of the extendable member to a position where circle edge locators positioned at respective ends of the opposing members are aligned with respective second and third edges of the circle; and

maintaining a spatial relationship between the first, second, and third points so that the center of the circle is identified by a circle center indicator positioned at an end of the extendable member.

2. A method in accordance with Claim 1 further comprising adjusting the spatial relationship between the

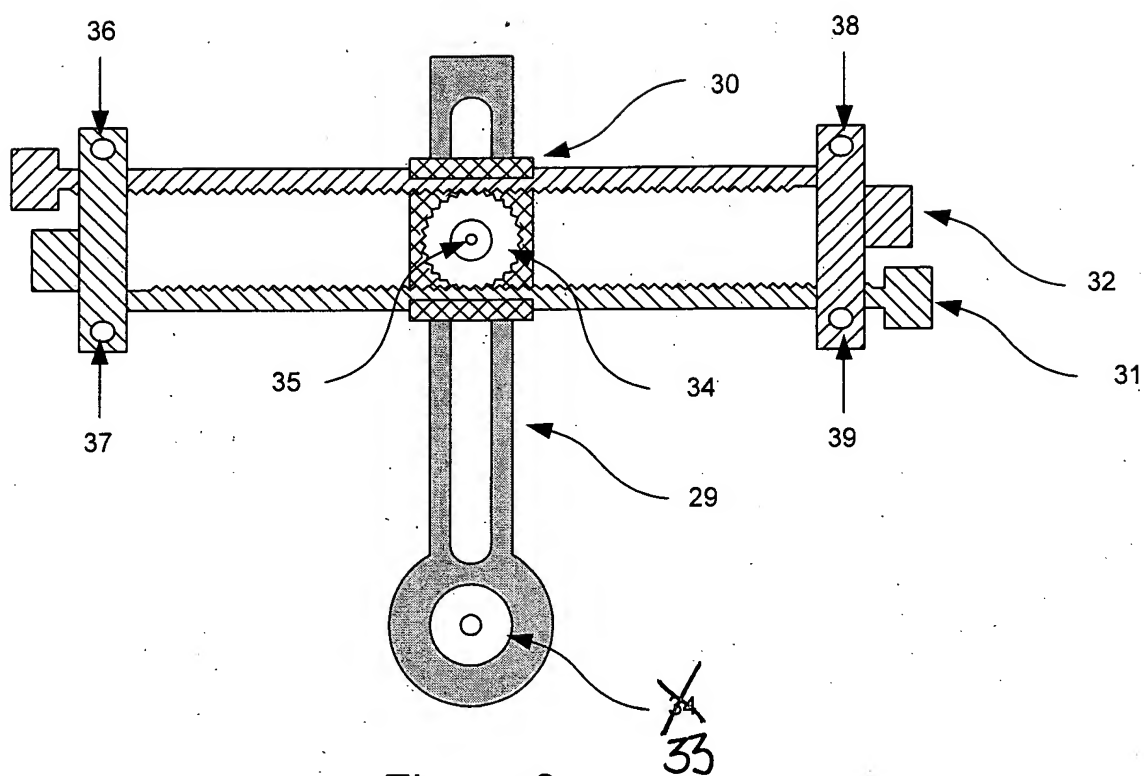


Figure 3